

REMARKS

In response to the Office Action mailed May 27, 2004, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,223,348 to Hayes et al. ("Hayes") in view U.S. Patent 6,603,420 to Lu ("Lu"). Applicants traverse the rejections as follows.

Applicants submit that the obviousness rejection of Claim 1 is improper because the cited references fail to disclose all of the elements of amended Claim 1. *See* MPEP § 2142 (a *prima facie* case of obviousness under 35 U.S.C. § 103(a) requires, among other things, that the cited references, when combined, teach or suggest every element of the claim). Applicants submit that both Lu and Haynes fail to disclose, teach or suggest at least the following features of amended Claim 1.

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Applicants submit that the cited references fail to disclose, teach or suggest at least, "a motion detector in communication with the processor, the motion detector for generating tilt directional information and for sending the tilt directional information to the processor, wherein the processor is for changing a mode of operation of the remote control device from a first mode corresponding to a first consumer electronic device to a second mode corresponding to a second

consumer electronic device in response to the tilt directional information,” as recited in amended Claim 1.

Applicants submit that Lu fails to disclose teach or suggest this feature of amended Claim 1. Although Lu does teach a “motion detection circuit,” it does not disclose, teach or suggest, among other things, “changing the mode of operation of the remote control device from a first mode corresponding to a first consumer electronic device to a second mode corresponding to a second consumer electronic device in response to the tilt directional information,” as recited in amended Claim 1. (*See* Lu at col. 2, ln. 3-5.) On the contrary, Lu merely discloses sending volume and channel commands in response to signals from its “motion detection circuit.” (*See* Lu at col. 4, ln. 20-29.)

Applicants also submit that Hayes fails to disclose, teach or suggest at least this feature of amended Claim 1. In fact, the Office Action states that, “Hayes, however, fails to teach a universal remote control further comprising (1) a motion detector in communication with microprocessor.” (*See* Office Action at p. 4.)

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Applicants further submit that the cited references fail to disclose, teach or suggest, “a light source in communication with the processor, wherein the light source is one of an incandescent light and a light emitting diode, wherein the motion detector communicates a signal to the processor, and wherein the processor is also for affecting the light source to illuminate at least a portion of the remote control device upon receipt of the signal,” as recited in amended Claim 1.

Applicants submit that Lu fails to disclose, teach or suggest at least this feature. The Office Action asserts that the processor of Lu, “receives motion measurements from motion detection circuitry 200 and outputs a command in accordance with the measurements to the IR transmitter.” (See Office Action at p. 2.) Even if this statement is taken as true, Applicants submit that because infrared energy is not visible, an infrared source is incapable of “illuminat[ing] at least a portion of the remote control device,” as recited in amended Claim 1. Therefore, Lu cannot teach the above feature of amended Claim 1.

Applicants also submit that Hayes fails to disclose, teach or suggest at least the above feature. Although Hayes also discloses an infrared light emitting diode driver, it fails to disclose a “motion detector” or “illuminating at least a portion of the remote control device,” as recited in amended Claim 1. (See Hayes at Fig. 5a, 5b.) Therefore, Hayes cannot teach the above feature of amended Claim 1.

For the above reasons, Applicants submit that Claim 1, and Claims 2-6 that depend from Claim 1 are allowable over the cited references. Applicants also submit that Claim 7 includes limitations similar to those discussed above with respect to Claim 1. Therefore, Applicants submit that Claim 7, as well as Claims 8-9 that depend from Claim 7, are allowable for at least the reasons discussed above.

CONCLUSION

Applicants respectfully request a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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